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SUBJECT: KUWAIT WAR CRIMES CASE IN HOLDING PATTERN AT IRAQ
HIGH TRIBUNAL

¶1. (SBU) Summary: Robert Monk of the United States Regime Crimes Liaison Office at the Iraq High Tribunal (IHT) told GOK officials on July 10 and 11 that the Kuwait war crimes case before the IHT would likely not be the next case heard by the tribunal despite being the case most ready to go to trial. Monk told the officials other cases with largely Iraqi victims were likely to go to trial first because of political pressures in Iraq. He said the GOK could advance its cause by maintaining a continual or even periodic presence at the IHT. He noted the new investigative judge for the Kuwait case was very motivated to move the Kuwait case forward. End summary.

¶2. (SBU) Baghdad Regime Crimes Liaison Office (RCLO) representatives, Robert Monk, Jane Ellen Bagwell and Salah Al-Hamadi met with Poloff on July 11 and discussed their July 10-11 meetings with Government of Kuwait (GOK) officials on the status of the Kuwait war crimes case currently being investigated by the IHT. (Note: The Kuwait case involves crimes arising out of the 1990-91 Iraqi invasion and occupation of Kuwait. End note.) The Kuwaiti officials the RCLO met with were Assistant Attorney General Sultan Abu Jarwa, Ministry of Defense Assistant Undersecretary Dr. Mohammed Buzubar, Ministry of Foreign Affairs Director Khaled Maqamis and National Committee of Missing Persons and POWs Director Dr. Ibrahim Al-Shaheen. Monk told the GOK officials that the Government of Iraq considers the Kuwait case to be one of the four major cases the IHT is handling and that the Kuwait case is the most advanced in terms of readiness to go to trial, but that the other major cases all involve Iraqi victims and are more likely to be tried before the Kuwait case because they have a local victim constituency behind them. Monk said the 1991 Southern Shia uprising case is most likely the next to be heard by the IHT.

¶3. (SBU) On the positive side, Monk said that a new investigating judge, Abdul Khadim, was appointed to handle the Kuwait case. He said Khadim was a very good judge, who was very interested in pushing the Kuwait case forward and represented a big improvement over the previous judge handling the Kuwait case. He said there will be a Digital Video Conference (DVC) between Judge Khadim and the above GOK officials in late July and that Khadim also plans to come to Kuwait in September to interview witnesses.

¶4. (SBU) Monk assured the GOK officials that the RCLO pushes IHT officials to move the Kuwait case forward but are limited by the political leverage of the local victim constituencies pushing the other war crimes cases. Monk said only one IHT case can be tried at a time because there is only one IHT courthouse and because of security requirements.

¶5. (SBU) Monk stressed the importance of personal relationships in the IHT process and encouraged the GOK to

send permanent or regular delegations to the IHT. GOK officials were generally unenthusiastic about this proposition which was reflected in their preference for a DVC with the Judge Khadim rather than meeting with him in Baghdad.

¶6. (SBU) Monk noted the RCLO did not have current DOJ funding to continue its work with the IHT beyond 9/30/2007. Monk stressed to GOK officials that if the RCLO did not continue, the GOK would need to have a plan to respond because they would have no presence or advocate for their case in Baghdad, and this would be a setback for moving their case forward.

¶7. (U) The RCLO cleared this cable.

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